

HOUSE BILL No. 1223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-22.

Synopsis: Hands free mobile telephone use. Makes it a Class D infraction to operate a motor vehicle while using a hand held mobile telephone. Exempts: (1) a person who uses a mobile telephone in an emergency situation; (2) the operator of an authorized emergency vehicle; (3) the operator of a medical services vehicle; and (4) a volunteer firefighter or certain emergency services professionals en route to the scene of an emergency.

Effective: July 1, 2007.

Summers, Whetstone

January 11, 2007, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1223

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-30.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2007]: **Sec. 30.7. "Commercial mobile radio service", for**
- 4 **purposes of IC 9-21-22-5, has the meaning set forth in**
- 5 **IC 36-8-16.5-5.**
- 6 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2007]: **Sec. 49.7. "Emergency situation", for purposes of**
- 9 **IC 9-21-22-6, has the meaning set forth in IC 9-21-22-6(c).**
- 10 SECTION 3. IC 9-13-2-72.1 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2007]: **Sec. 72.1. "Hand held mobile telephone", for purposes of**
- 13 **IC 9-21-22, has the meaning set forth in IC 9-21-22-1.**
- 14 SECTION 4. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
- 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 16 1, 2007]: **Sec. 72.3. "Hands free mobile telephone", for purposes of**
- 17 **IC 9-21-22, has the meaning set forth in IC 9-21-22-2.**

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SECTION 5. IC 9-13-2-103.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 103.3. "Mobile telephone", for purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-3.**

SECTION 6. IC 9-13-2-193.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 193.1. "Use", for purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-4.**

SECTION 7. IC 9-13-2-199.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 199.1. "Wireless telephone service", for purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-5.**

SECTION 8. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 22. Use of Mobile Telephones

Sec. 1. As used in this chapter, "hand held mobile telephone" means a mobile telephone with which a user engages in a call using at least one (1) hand.

Sec. 2. As used in this chapter, "hands free mobile telephone" means a mobile telephone that:

- (1) has an internal feature or function; or**
- (2) is equipped with an attachment or addition;**

by which a user engages in a call without the use of either hand.

Sec. 3. As used in this chapter, "mobile telephone" means a device used by subscribers of a wireless telephone service to access the service.

Sec. 4. (a) As used in this chapter, "use" means holding a mobile telephone to or in the immediate proximity of an ear of an operator of a motor vehicle. The term does not include holding a mobile telephone to:

- (1) activate;**
- (2) deactivate; or**
- (3) initiate a function of;**

the mobile telephone.

(b) For purposes of this section, a mobile telephone that does not require physical contact with an ear of the user is held in the immediate proximity of a motor vehicle operator's ear if the distance between the mobile telephone and the motor vehicle operator's ear permits the motor vehicle operator to hear the telecommunication transmitted over the mobile telephone.

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1 **Sec. 5. As used in this chapter, "wireless telephone service"**
 2 **means a two-way, real time voice telecommunications service that**
 3 **is:**

- 4 (1) **interconnected to a public switched telephone network;**
 5 **and**
 6 (2) **provided by a commercial mobile radio service.**

7 **Sec. 6. (a) An individual who operates a motor vehicle and**
 8 **simultaneously uses a hand held mobile telephone commits a Class**
 9 **D infraction.**

10 **(b) Subsection (a) does not apply to an operator of:**

- 11 (1) **an authorized emergency vehicle;**
 12 (2) **a medical services vehicle;**
 13 (3) **a privately owned vehicle if:**
 14 (A) **the operator or a passenger in the vehicle is a volunteer**
 15 **firefighter en route to the scene of a fire or other**
 16 **emergency in the line of duty; and**
 17 (B) **a blue light is displayed on the vehicle under**
 18 **IC 36-8-12-11; or**

19 (4) **a privately owned vehicle if:**

- 20 (A) **the operator or a passenger in the vehicle is a certified:**
 21 (i) **paramedic;**
 22 (ii) **emergency medical technician-intermediate;**
 23 (iii) **emergency medical technician-basic advanced;**
 24 (iv) **emergency medical technician;**
 25 (v) **emergency medical service driver; or**
 26 (vi) **emergency medical service first responder;**
 27 **en route to the scene of emergency medical service**
 28 **activities in the line of duty; and**
 29 (B) **a green light is displayed on the vehicle under**
 30 **IC 9-19-14.5-1.**

31 **(c) Subsection (a) does not apply if the mobile telephone is used**
 32 **in an emergency situation to:**

- 33 (1) **transmit an emergency call (as defined in IC 35-45-2-3(c));**
 34 (2) **contact a health care provider (as defined in**
 35 **IC 16-18-2-163);**
 36 (3) **contact a police and law enforcement system established**
 37 **under IC 36-8-2-2; or**
 38 (4) **contact a firefighting and fire prevention system**
 39 **established under IC 36-8-2-3.**

40 **As used in this subsection, "emergency situation" means a situation**
 41 **threatening the safety or security of persons or property.**

42 **(d) Subsection (a) does not prohibit the use of a hands free**

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1 **mobile telephone by an operator of a motor vehicle.**

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